

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Lemon et al.	)	Group Art Unit:	1648
	)		
Serial No.: 10/580,979	)	Examiner:	Bao Q. Li
Confirmation No.: 9290	)		
	)		
371(c) filing date: April 9, 2007	)		
	)		
For:		REPLICATION COMPETENT HEPATITIS C VIRUS AND METHODS OF USE	

**RESPONSE TO RESTRICTION REQUIREMENT  
AND SPECIES ELECTION**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Election/Restriction Requirement mailed October 17, 2008, Applicants elect, without traverse, Group I (claims 1-8, 14-25, 26-33, and 41-43). Additionally, with respect to the species election, Applicants elect Group e, drawn to an arginine mutation at about amino acid 2040.

Pursuant to MPEP 809.02(a), the following is a listing of all claims readable on the elected species: all of the claims of Group I.

The undersigned thanks the Examiner for taking the time to discuss this Restriction Requirement during the telephone conference on October 27, 2008. As we discussed, the Restriction divides the claims into two groups, not three as mentioned in paragraph 2 of the Restriction Requirement mailed October 17, 2008. Also, the Examiner confirmed that claims 34-36, 45, and 46 are part of Group II.

The Examiner's action subsequent to the election of species should include a complete action on the merits of all claims readable on the elected species. MPEP 809.02(a). It is understood that the generic claims will be examined fully with respect to the elected species and that, if no prior art is found that anticipates or renders obvious the elected species, the search will

**Response to Restriction Requirement and Species Election**

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be extended to the extent necessary to determine the patentability of the generic claims. Upon allowance of a generic claim, it is further understood that Applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claims as provided by 37 C.F.R. 1.141.

Applicants reserve the right to pursue examination of any non-elected claims in continuation or divisional applications.

The Examiner is invited to contact Applicants' Representatives at the telephone number listed below if prosecution of this application may be assisted thereby.

**CERTIFICATE UNDER 37 C.F.R. 1.8:**

The undersigned hereby certifies that this paper, as described hereinabove, is being transmitted via the U.S. Patent and Trademark Office electronic filing system in accordance with 37 CFR §1.6(a)(4) to the Patent and Trademark Office addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 17<sup>th</sup> day of December, 2008.

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Name: Dani Monz

December 17, 2008  
Date

Respectfully submitted

By

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